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In re Application of :  
FLETCHER et al. :  
Application No.: 10/501,282 :  
PCT No.: PCT/US02/36123 : DECISION ON PETITION  
Int. Filing Date: 25 November 2002 : UNDER 37 CFR 1.137(b)  
Priority Date: 29 November 2001 :  
Attorney Docket No.: AM100780 :  
For: ALLOIOCOCCUS OTITDIS OPEN  
FRAMES (ORFs) ENCODING  
POLYPEPTIDES ANTIGENS. . . .

The petition to revive under 37 CFR 1.137(b) filed 09 July 2004 in the above-captioned application is hereby GRANTED as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

However, the declaration filed on 09 July 2004 is not in an acceptable form. Specifically, there is an issue as to whether the declaration has been properly executed. The declaration filed with the petition includes a duplicate sheets of page 5 of 5. It is unclear if the inventors were presented with only page 5, in which case the execution would be improper, or if they were presented with a complete declaration for signing, but counsel subsequently compiled the declaration into the single document filed 09 July 2004, which is improper. (See MPEP 201.03 on how to correct this matter.)

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration is required.

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